

October 1, 2022

**VIA ECF**

The Honorable Brian M. Cogan  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: United States v. Thomas Barrack, et al., 1:21-cr-371 (BMC) (S-1)**

Dear Judge Cogan:

Today, the Government informed the defense that it had “finalized the decision to call Secretary Tillerson as a witness.” The Government also informed the defense that, due to personal plans, the Secretary is not available after October 4, 2022, and therefore the Government requested the defendants’ consent to call him out of order on the morning of Tuesday, October 4, 2022, interrupting the defendants’ anticipated crosses of the current witness.

Even on this inexplicably short notice, the defense has no objection to taking Secretary Tillerson out of order. For two reasons, however, we respectfully request that the Government be ordered to produce the witness to begin on Monday morning, October 3, 2022, instead of Tuesday. First, given that this is the Government’s own scheduling issue, it seems more appropriate for the Government to interrupt its own direct rather than the defendants’ cross. Second, and more importantly, Tuesday is a shortened day, given the holiday. For the convenience of the witness, and to assure the defendants a fair opportunity at cross-examination, we respectfully submit it seems prudent to begin the examination before the shortened day. We appreciate the Court’s consideration.

Respectfully Submitted,

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